



BAIL SLIP

Sankarasubbu, S/o.Petchimuthu Yadav, Male, aged about 35 years was released on bail vide Court order dated 30.03.2016 made in Crl.MP(MD).No.2736 of 2016 in Crl.RC(MD)No.199 of 2016.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

**Crl.R.C. (MD).No.199 of 2016
and Crl.M.P. (MD).Nos.3923 of 2016 and 4766 of 2020**

Sankarasubbu

.. Petitioner/Accused

Vs.

Sri Visaka Fuels,
Rep. by its Proprietor,
S.Jeyaseelan,
S/o Suyambu,
No.28, Moses Street,
Nazareth, Thiruchendur Taluk,
Thoothukudi District.

.. Respondent/Complainant

PRAYER: Criminal Revision Case, filed under Section 397 r/w. 401 of the Criminal Procedure Code, against the Judgment dated 25.01.2016 passed in Crl.A.No.31 of 2015 on the file of the II Additional District and Sessions Judge, Thoothukudi, Thoothukudi District, confirming the conviction and sentence imposed upon the petitioner in S.T.C.No.384 of 2013 on the file of the Judicial Magistrate, Sathankulam, Thoothukudi District, by Judgment dated 04.06.2015.

For Petitioner : Mr.A.Thiruvadikumar
For Respondent : Mr.S.M.Mohan Gandhi

ORDER

This revision case is filed by the petitioner / accused as against the order of conviction imposed by the Courts below for the offence under Section 138 of the Negotiable Instruments Act.

2.A complaint was filed by the respondent herein, as against this revision petitioner, before the learned Judicial Magistrate, Sathankulam and the said complaint was taken on file in S.T.C.No.384 of 2013 by the learned Judicial Magistrate, Sathankulam and after the trial, the trial Court found the petitioner / accused guilty for



the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- (Rupees two thousand only), in default to undergo one month simple imprisonment.

3.As against the conviction and sentence, the petitioner preferred an appeal before the Sessions Court and the same was taken on file in Crl.A.No.31 of 2015 by the learned II Additional District and Sessions Judge, Thoothukudi and the appeal was dismissed by judgment dated 25.01.2016.

4.Aggrieved over the same, the petitioner /accused preferred this Criminal Revision Case on the grounds that the trial Court and the appellate Court have not appreciated the evidence properly.

5.When the matter was taken up for hearing, the learned counsel for the petitioner submitted that pending the revision case, the matter has been settled between the petitioner and the respondent and they have also jointly filed an application under Section 147 of the Negotiable Instruments Act to compound the offence along with a Joint compromise memo. In the Joint Compromise memo it has been stated as follows:

"It is submitted that the Cheque amount involved in the present case is Rs.2,70,313/- and pending the Revision before this Hon'ble Court, the petitioner had paid a sum of Rs.1,70,000/- through Demand Draft to the Respondent. It is submitted that the balance of Rs.1,00,000/- is paid at present through Demand Draft to the Respondent herein and as such the entire cheque amount has been settled. It is submitted that the parties have presently amicably resolved the dispute.

It is submitted that the offence under Section 138 of Negotiable Instruments Act is a compoundable offence. It is submitted that the petitioner had settled the entire cheque amount and as such the respondent herein is also prepared to compound the offence with the petitioner. It is submitted that at present the dispute between the parties have been resolved and the dispute is mainly a money dispute, more particularly personal in nature, which is also compoundable. It is submitted that as the cheque amount of Rs.2,70,000/- has been paid by the petitioner herein and the respondent has got no objection to compromise the dispute and to compound the offence.

Therefore, it is humbly prayed that this Hon'ble Court may be pleased to accept the present JOINT COMPROMISE MEMO and allow the Crl.R.C.No.199 of 2016



on the file of this Hon'ble Court, pursuant to the compromise arrived by the parties."

6. In view of the Compromise memo filed in support of the petition under Section 147 of Negotiable Instruments Act, the criminal miscellaneous petition in Crl.M.P.(MD).No.4766 of 2020 is allowed and this Criminal Revision Case is disposed of by setting aside the orders of the trial Court and the Appellate Court. Consequently, connected miscellaneous petition in Crl.M.P.(MD).No.3923 of 2016 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The II Additional District and Sessions Judge,
Thoothukudi.
2. The Judicial Magistrate,
Sathankulam.

Copy to: The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2)

**Crl.R.C. (MD) .No.199 of 2016
24.09.2020**

AC (CO)
CS (05.10.2020) 3P 5C